

R Sport & Recreation
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REPUBLIC OF SOUTH AFRICA

2010 FIFA WORLD CUP SOUTH AFRICA SPECIAL MEASURES BILL

*(As introduced in the National Assembly as a section 75 Bill; explanatory
summary of Bill published in Government Gazette No. 28583 of 10 March
2006) (The English text is the official text of the Bill)*

(MINISTER OF SPORT AND RECREATION)

[B - 2006]

BILL

To give effect to the Organising Association Agreement between FIFA and SAFA and to the guarantees issued by the Government to FIFA for the hosting and staging of the 2010 FIFA World Cup South Africa; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the Fédération Internationale de Football Association (FIFA) is the world governing body for the sport of football and is responsible for promoting football around the world through education and development programmes and through promoting and supervising international matches;

AND WHEREAS FIFA invited the African Member Associations affiliated to FIFA to bid for the right to serve as host for the final competition of the 2010 FIFA World Cup and provided interested national associations with a List of Requirements regarding the staging and hosting of the final competition of the 2010 FIFA World Cup;

AND WHEREAS the South African Football Association (SAFA) confirmed its bid for the right to serve as host of the final competition of the 2010 FIFA World Cup by submitting the bid documentation to FIFA;

AND WHEREAS *the Government of the Republic of South Africa confirmed its support for SAFA's bid to host the 2010 FIFA World Cup by issuing a*

Declaration in terms of which it undertook to issue all guarantees requested in the List of Requirements to ensure the success of the 2010 FIFA World Cup and to take all measures necessary in order to comply with such guarantees and shall perform its obligations with due co-operation;

AND WHEREAS FIFA has appointed SAFA as host of the 2010 FIFA World Cup South Africa in accordance with the Organising Association Agreement;

AND WHEREAS it is necessary to enact legislation to give effect to the Declaration and the guarantees referred to above,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise—

"2010 FIFA World Cup South Africa" means the FIFA World Cup football tournament to be staged in and hosted by the Republic in 2010 in terms of the Organising Association Agreement, and includes the 2009 FIFA Confederations Cup to be staged in the Republic in 2009;

"accreditation card" means any card issued in terms of section 10(3);

"accredited foreign medical contingent" means a foreign medical contingent whose members have been accredited in terms of section 8(1);

"commercial affiliate" means any person designated as such in terms of section 6(1);

"designated area" means an area designated in terms of section 10(1);

"duration of the 2010 FIFA World Cup South Africa", in respect of a Government Guarantee, means the period commencing on the date of the conclusion of the Organising Association Agreement and ending on the date determined in the Government Guarantee in question;

"FIFA" means the Federation Internationale de Football Association;

"final competition" means the final tournament of the 2010 FIFA World Cup South Africa which shall be contested in the year 2010 in the Republic by 32 teams and which shall be deemed to last for the period stipulated by the Minister by notice in the *Gazette*;

"liquor" bears the meaning assigned to it in section 1 of the Liquor Act, 2003 (Act No. 59 of 2003);

"LOC" means the 2010 FIFA World Cup Organising Committee South Africa (an association incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973));

"match" means a football match in its entirety (including overtime and penalty kick phases) played as part of the 2010 FIFA World Cup South Africa, and includes any training session or exhibition by a participating team or delayed or deferred matches and replays;

"Minister" means the Minister responsible for sport and recreation at national level in the Republic;

"Organising Association Agreement" means the Organising Association Agreement, including its annexes, entered into between FIFA and SAFA;

"peace officer" means a peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and includes a member of a municipal police service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);

"permitted medical device" means any medical device approved by the Minister of Health in terms of section 8(3)(a);

"permitted medicine and Scheduled substance" means any medicine and Scheduled substance approved by the Minister of Health in terms of section 8(3)(a);

"prescribed" means prescribed by regulation;

"regulation" means any regulation made in terms of section 14;

"SAFA" means the South African Football Association or its successors-in-title;

"stadium" means a stadium contemplated in section 3;

"team" means the 23 football players and the 27 persons accompanying such football players representing a national association affiliated with FIFA, which national association has qualified to participate in the 2010 FIFA World Cup South Africa;

"traffic-free zone" means a public road or area contemplated in section 12(1)(b);

"venue" means any area or place contemplated in section 3.

Extension of Minister of Trade and Industry's power under Merchandise Marks Act, 1941

2. If the Minister of Trade and Industry declares the 2010 FIFA World Cup South Africa a protected event in terms of section 15A(1) of the Merchandise Marks Act, 1941 (Act No. 17 of 1941), he or she may, notwithstanding section 15A(1)(a)(ii) of that Act, stipulate by notice in the *Gazette* a date later than one month but not later than six months after the completion or termination of the final competition as the date on which the protection afforded by such a declaration ends.

Declaration as stadium or venue

3. (1) The Minister must by notice in the *Gazette* declare a stadium or venue as a stadium or venue recognised for the purposes of this Act after consultation with the member of the Executive Council concerned and upon written confirmation by the LOC that such—

- (a) stadium has been identified and selected to host one or more matches under the auspices of the 2010 FIFA World Cup South Africa; and
- (b) venue has been identified and selected.

(2) For the purposes of subsection (1), "venue" means any area or place, other than a stadium, which—

- (a) is demarcated by an enclosed or semi-enclosed temporary or permanent building structure where one or more matches are to be hosted under the auspices of the 2010 FIFA World Cup South Africa; and

- (b) may consist, amongst other things, of seating for spectators, attendees or an audience, a field of play, a permanent or temporary podium and any other recreational area required for hosting the 2010 FIFA World Cup South Africa.

National anthems and flags

4. In accordance with the Government guarantee issued by the Minister of Foreign Affairs on 14 July 2003, no person may prevent—

- (a) the playing of the national anthem of any country represented by a team during any match or other official event of the 2010 FIFA World Cup South Africa; and
- (b) the flying of the national flag of any country represented by a team during any match or other official event of the 2010 FIFA World Cup South Africa.

Visas and work permits

5. (1) Subject to sections 29 and 30 of the Immigration Act, 2002 (Act No. 13 of 2002), the—

- (a) Minister of Home Affairs must issue a visa in terms of section 10A(3)(a) of that Act to a person from a country that is not exempt from complying with visa requirements to attend the 2010 FIFA World Cup South Africa [**as a spectator**] if that person lodges an application for a visa with the Minister of Home Affairs at least 14 days before departing for the Republic; and

(b) Director-General of Home Affairs must issue a visitor's permit in terms of section 11(1) of that Act to a person from a country that is exempt from complying with visa requirements upon entry into the Republic in order to attend the 2010 FIFA World Cup South Africa **[as a spectator]**.

(2) Any person contemplated in subsection (1) who wishes to work in the Republic in connection with and for the duration of the 2010 FIFA World Cup South Africa must submit a letter to the Minister of Home Affairs from FIFA approving the work to be conducted in order to qualify for an authorisation in terms of section 11(2) of the Immigration Act, 2002 (Act No. 13 of 2002).

(3) Subsection (2) does not apply to a team.

(4) The Minister of Home Affairs may allow dignitaries identified as such by FIFA to be admitted to and sojourn in the Republic for the duration of the 2010 FIFA World Cup South Africa in terms of section 31(2)(a) of the Immigration Act, 2002 (Act No. 13 of 2002), if a list containing the personal particulars of the dignitaries prepared by FIFA is received by the Minister of Home Affairs at least 30 days before the dignitaries intend to depart for the Republic.

Suspension of restrictions regarding marketing, distribution and consumption of liquor in respect of 2010 FIFA World Cup South Africa

6. (1) The Minister must, by notice in the *Gazette*, designate as *a commercial affiliate every person whose name has been submitted to him or her in writing by FIFA.*

(2) (a) Notwithstanding any law referred to in paragraph (b) and for the duration of the 2010 FIFA World Cup South Africa, a commercial affiliate—

- (i) may at any stadium and venue exercise such marketing rights as may be granted to it in writing by FIFA; and
- (ii) must comply with any other applicable laws and the terms and conditions agreed to with FIFA.

(b) The laws contemplated in paragraph (a) are sections 12 and 13 of the Liquor Act, 2003 (Act No. 59 of 2003), in respect of registration requirements for the distribution of liquor within the Republic and any other restrictive provisions contained in national or provincial legislation pertaining to the—

- (i) marketing of liquor at a stadium or venue;
- (ii) distribution of liquor at a stadium or venue;
- (iii) consumption of liquor at a stadium or venue; and
- (iv) advertisement of liquor during the 2010 FIFA World Cup South Africa.

(3) FIFA must submit to the Minister of Trade and Industry—

- (a) details of the nature, type, quantity and manufacturer of liquor for distribution and consumption at any stadium or venue during the 2010 FIFA World Cup South Africa; and
- (b) such other information as may be prescribed in respect of liquor to be marketed, distributed or consumed at any stadium or venue during the 2010 FIFA World Cup South Africa.